



MAPLETON UTAH

PLANNING COMMISSION MINUTES

January 13, 2022

PRESIDING AND CONDUCTING: Chairman Jesse McLean

Commissioners in Attendance: Sharee Killpack
Jake Lake
Rich Lewis
Lewis Nuttall
TJ Uriona

Staff in Attendance: Sean Conroy, Community Development Director

Minutes Transcribed by: April Houser, Executive Secretary

Chairman Jesse McLean called the meeting to order at 6:00pm. Alternate Commissioner TJ Uriona was seated as a voting member this evening.

Item 1. Planning Commission Meeting Minutes – November 18, 2021.

Motion: Commissioner Lake moved to approve the November 18, 2021, Planning Commission Meeting Minutes.

Second: Commissioner Uriona

Vote: Unanimous

Item 2. Planning Commission Meeting Schedule for 2022

Motion: Commissioner Lake moved to approve Planning Commission Meeting Schedule for 2022.

Second: Commissioner Uriona

Vote: Unanimous

Item 3. Consideration of a request for a Home Occupation for a small painting and hydro-dipping business at 599 South 1200 West. The applicant is Phoenix Kraft.

Motion: Commissioner Lake moved to approve the Home Occupation for a small painting and hydro-dipping business at 599 South 1200 West with the conditions listed below:

1. The applicant shall obtain a Business License prior to opening for business.
2. The Home Occupation shall be conducted within the confines of the structure.
3. No signs shall be placed on the property without a sign permit.

4. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated Business License by the Planning Commission.
5. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

Second: Commissioner Uriona

Vote: Unanimous

Item 4. Appointment of Planning Commission Chairman and Vice-Chairman for 2022.

Motion: Commissioner Nuttall moved to appoint Rich Lewis as the Planning Commission Chairman, and Jake Lake as the Planning Commission Vice-Chairman for 2022.

Second: Commissioner Killpack

Vote: Unanimous

Item 5. Consideration of a request to operate a horse lesson and training business as a Home Occupation in an outdoor arena at 466 West Birch Circle in the A-2 (TDR-R) Zone.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. The parcel is just under 1.4 acres in size. The outdoor riding area is in the rear of the property. Lessons being taught would typically be 1 hour long within a group setting. The Planning Commission needs to decide if this is a Commercial Equestrian Riding Arena. If they find it to be, the application should be denied since the property is not 2+ acres in size. There were some letters included in the packet from neighbors stating their concerns. Staff recommends that the Planning Commission determine if this request is considered a Commercial Equestrian Riding Arena, and if they feel like it does not fall under that category, that they moved ahead with the discussion for the Home Occupation. **Chairman McLean** asked how they can delineate between a commercial arena, or a Home Occupation permit.

Scott Liggett, the applicant, stated that they plan to hold about 11 riding lessons per week. All lessons would be done as a group. Lessons would typically be held after school from 3pm-6pm, which may vary in the summer. None of the riding is visible from the street. **Commission Uriona** asked if they had ever used a Commercial Riding Arena. **Sydney Liggett** stated that she has used commercial arenas. They believe the level of service they provide is more in line with a Home Occupation. She would be the only one teaching the lessons. Sydney has also worked doing Equine Therapy, which has been very helpful during Covid. For some kids this is more of a riding club that gives them time to get out and spend time with others. This last year they have learned better how to maintain the dust and feel that it should not be much of an issue moving forward. The applicants will still utilize the arena for personal use, even if they are not able to get approval for this Home Occupation license.

Commissioner Lake wondered if there is another avenue the applicant could take so they are not classified as a Commercial Arena. **Sean** stated if it is a modest level business, it would be consistent with the Home Occupation Ordinance. If the business continued to grow, the applicant would likely have to relocate to more of a larger Commercial Riding Arena. The applicants took this route after discussions with former staff. **Commissioner Uriona** felt that this fits in a rural atmosphere. He felt it was comparable to those teaching Preschool, Swimming Lessons, or Tennis Lessons. He does feel though if people are able to bring their own horses and drop them off it

would cause more of a disruption than a typical Home Occupation. **Sydney** stated that it is rare for others to bring horses, unless they are just their as friends, and not a paying customer. **Commissioner Killpack** lives in this neighborhood and has never heard any complaints about the property or seen any issues in the area. **Chairman McLean** felt the Commission could find a way to appease both the applicant and the property owners in the area. There are no current arena lights set up on the property. **Rob Baird** was in support of this Home Occupation and does not feel it will be any more of an issue than other group lessons taking place in Mapleton. **Commissioner Killpack** feels that applicants are already taking all the measures they can to be amenable to the neighbors.

Motion: Commissioner Killpack moved to approve the request to operate a horse lesson and training business as a Home Occupation in an outdoor arena at 466 West Birch Circle in the A-2 (TDR-R) Zone with the conditions listed below:

1. Group lessons shall be staggered in time.
2. No additional horses be brought to the property in a horse trailer for lessons being held as part of the Home Occupation.
3. The lessons shall be organized so that no more than six vehicles are parked on-site at any given time.
4. No more than six horses shall be allowed on site at any given time.
5. To avoid nuisance conditions, manure shall not be allowed to accumulate. Dust shall also be controlled by watering or sprinkling.
6. Outdoor lighting of any riding arena shall be designed with minimum light trespass off site by using cut off luminaires that are fully shielded with no light distributed above the luminaires horizontal plane.
7. All other requirements of MCC Section 18.84.380 shall apply.

Second: Commissioner Lake

Vote: Unanimous

Item 6. Consideration of a request to amend Mapleton City Code 18.82D.110 to increase the density in the Preserve project by 19 lots.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. A little background was provided to those in attendance. Plats A, D, E, F and G have been platted. Plats B and C have not yet been platted. The new owners have purchased most of Plat A, as well as Plats B, C, D and E. The original plat had 92 lots on the Concept Plan. In 2017 there was an application approved to apply a TDR-R zoning, which was later overturned by the Referendum. That does not prohibit an applicant from making another amendment request on the property. The proposed amendment would provide lots from 2-5.5 acres in size. The Planning Commission would be a recommending body to the City Council for this item. The overall density is less dense than the Rural Residential General Plan Designation would allow. This application is not a rezone request. The request would already meet what the current zoning is on the property. A stub road is not required, but the Planning Commission and City Council have discretion over this. The Joyner's would prefer that this stub street be installed to their property, so they have more development options in the future. Staff recommends that the density topic be discussed. If the Planning Commission is not supportive of it there would not be a need to discuss the other topics this evening.

Joe Shank, applicant for Mapleton Preserve LLC, stated that they realize the frustration of the residents in this area. They are excited to develop this property, and plan to live here themselves in the future. The property average would be going from 2.4 to 2.0 acres per lot. They are not

interested in the stub road with what they want to adhere to. They are hoping for lower density and beautiful estate lots in this area. The applicants have met with many of the neighbors. They desire to have the trail completed in this area, and plan to complete the construction of it as part of their development. **Commissioner Killpack** asked if there were any talks of Open Space in the subdivision. With the larger lot sizes, the applicants feel open space is taking place already throughout the project.

Chairman McLean stated that the Planning Commission did receive the letter from the neighbors in their packets. He then opened the Public Hearing. **Andrew Petersen** lives in the Preserve. He feels when property owners in this area bought their lots, they were shown how the area would be developed. Mr. Petersen feels with another change there would likely be more support of a Referendum than the previous one had. People do not plan on their subdivisions changing lot sizes and layout after they purchased a property in a recorded development. As a Planning Commission there should be a plan that stays in place and not changed for developers who buy feel more lots should be allowed. Andrew believes that the developer bought the property with an understanding of how the neighbors in the Preserve felt about the subdivision. **Matt Stewart** wanted to thank Staff for the way the development was laid out back in 2006. There was once a 10-acre cemetery included on the property back in the day as well. He does not believe this developer is including anything greater than what was already approved with the trail years ago. **Grace Huffaker** was here in 2006 when this development was first approved. She remembered part of the approval being a 10-acre cemetery, or the equivalent in funds, to help with other projects needed in the City. Grace wanted to know what ever became of the previous agreement where the property has since gone through foreclosure and had other owners. She would like another access that does not head down 1600 South. **Leslie Joyner** read a letter that she wrote to Sean Conroy and the City Council. She feels it is the City's responsibility to keep a stub road, as shown on the previous plan, to help with future development and additional access to their property. **Ryan Keisel** stated that he lives in the Preserve neighborhood. He feels like he is living in the movie Groundhog Day with all the letters he receives on changes to the layout of the Preserve development. He would like the project to remain as previously approved. The concern of the project changing could continue happening until it is built out, if it changes ownership again, like it has done many times in the past. **Wally Joyner** has lived in Mapleton since 1999. He would like the previous approved stub street so it can provide access to his property. Mr. Joyner finds that to be very short sided toward the applicant's benefit. **Rick Maingot** was blown away to see this come back up again. He has seen many changes suggested on layout of the property, and felt the Referendum spoke, and the approved plan met everyone's desires. Rick feels that the Joyner's have been here for a long time and their opinions and concerns should be addressed. **Lydia Petersen** lives in the Preserve and quoted part of City Code 18.82D.110 where it states that there should be no more than 92 approved lots for the intent for increasing density.

Chairman McLean closed the Public Hearing. **Commissioner Uriona** asked if there were any other developments in Mapleton that were like this where an applicant came back and tried to increase density on an already approved development. **Sean** stated that he was not aware of any. Regarding the cemetery question by Grace Huffaker, the Memorandum of Understanding was no longer valid after a lawsuit in 2017. **Commissioner Killpack** felt the stub street should be required to the Joyner property.

Nick, one of the applicants, understands all the comments made this evening. He understands the Planning Commission needs to balance property rights along with ordinances. They feel like their plan is better, and that they've tried to play within the rules. Their goal is to preserve the estate type feel, and to increase the values and views in the subdivision. He doesn't believe anything

they are proposing is outside of the bounds of being reasonable. **Scott Abbott**, another applicant, felt they were not denying the Joyner's access to their property because they already have a stub street to their property. **Wally Joyner** stated that they got the current access road to their property because it was part of the land in the area being developed, just as with this development having a required stub street on the current plan to his property as well. **Commissioner Lake** stated that the request does meet the standards for the General Plan, but the concerns given by the public need to be considered as well. He is in support of the stub street to the Joyner property. **Chairman McLean** feels the currently approved layout is good, and that they should stay in place. **Commissioner Nuttall** agreed with this and does not like the thought of another change being approved on this property. **Commissioner Killpack** does not think the new plan is that much different and believe progress does need to take place. She believes the applicant's have a right to make a change, and that their proposed layout is not that much different than the currently approved one. She was in support of the stub street to the Joyner property. **Commissioner Uriona** understands the proposal is within the General Plan Designation, but he does not think approving this is a precedence the city wants to set. Where this is an approved subdivision where residents have purchased lots, the development they were buying in was expected to remain as it was at that time. Property owners in the area believed the subdivision they were buying in was set in stone. **Commissioner Lewis** is opposed to changing the density.

Motion: Commissioner Uriona moved to recommend denial to the City Council for the request to amend Mapleton City Code 18.82D.110 to increase the density in the Preserve project by 19 lots, feeling the development should remain as it currently is.

Second: Commissioner Lewis

Vote: Commissioners McLean, Uriona, Lewis, Lake and Nuttall voting aye and Commissioner Killpack voting nay.

Item 7. Consideration of an ordinance amending Mapleton City Code section 18.84.160 regarding residential lighting standards.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. The issue where sports court lighting would need cut off shields to limit the impact on adjacent properties. Established lights would need to follow the 10:30pm shut off time, but they would not need to bring those already installed into compliance.

Chairman McLean opened the Public Hearing. No comments were given, and the Public Hearing was closed.

Motion: Commissioner Lewis moved to recommend approval to the City Council of an ordinance amending Mapleton City Code section 18.84.160 regarding residential lighting standards.

Second: Commissioner Killpack

Vote: Unanimous

Item 8. Adjourn.

April Houser, Executive Secretary

Date